

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
Nancy J. Soto,

Plaintiff,

-against-

Disney Severance Pay Plan, et al.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/9/2020

19 **CIVIL** 4048 (AJN)

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated November 9, 2020, Defendants' motion to dismiss is GRANTED. Additionally, Plaintiff seeks leave to amend her complaint. See Pl. Br. at 23 ("[S]hould [Disney's] Motion be granted in whole or in part, Plaintiff should be granted leave to amend."). The Court declined to afford Plaintiff a second opportunity to amend her complaint. Soto has already been provided one opportunity to amend her pleading, and given Plaintiff's allegation that she has not satisfied one of the Plan's requirements for eligibility, Compl. paragraph 25, any further amendment would be futile. See *Nielsen v. Rabin*, 746 F.3d 58, 62 (2d Cir. 2014); *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (affirming denial of leave to amend on futility grounds where the plaintiff "has suggested no new material she wishes to plead" and "[t]he problem...is substantive"); accordingly, this case is closed.

Dated: New York, New York

November 9, 2020

RUBY J. KRAJICK

Clerk of Court

BY:

R. Mango

Deputy Clerk